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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,402	09/17/2003	Xin Xue	SONY-26500	9325

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EXAMINER	
NGUYEN, VAN H	

ART UNIT	PAPER NUMBER
2194	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/666,402	XUE ET AL.	
	Examiner	Art Unit	
	VAN H. NGUYEN	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 June 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-20,23-34,37-51,54-66 and 69-87* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-20,23-34,37-51,54-66 and 69-87* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *06/03/2010 and 07/15/2010*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to the request for reconsideration filed 06/02/2010.

Claims 1, 4-20, 23-34, 37-51, 54-66, and 69-87 are pending in this application. Claims 1, 20, 46, 84 and 85 have been amended. Claims 86 and 87 have been added.

Information Disclosure Statement

2. The Applicants' Information Disclosure Statements (filed 06/03/2010 and 07/15/2010) have been received, entered into the record, and considered. Copies of PTO 1449 forms are attached.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 4-20, 23-34, 37-51, 54-66, and 69-87 remain rejected under 35 U.S.C. 103(a) as being unpatentable over **Kloba** (US 6,341,316 B1) in view of **Kiiskinen et al.** (US 20030217181 A1).

As to claim 1:

Kloba teaches a network of devices to filter synchronized data, the network of devices comprising:

a content server to store content [col. 8, lines 15 – 28; col. 12, lines 35 – 45];

a first network device [col. 8, lines 15 – 28; col. 12, lines 35 – 45]; and

a middleware filter coupled to the first network device and to the content server such that during a data synchronization, content is received by the middleware filter from the content server according to the data synchronization and the middleware filter is programmed to selectively filter the content resulting in filtered content and send only the filtered content to the first network device [col. 5, lines 41 – 52; col. 14, lines 29 – 53; col. 20, lines 15 – 34].

However, Kloba does not explicitly teach the following additional limitations:

Kiiskinen discloses the middleware filter selectively filters in response meta data within the content, wherein the meta data comprises a data type of the content [see paragraphs [0034], [0039], and [0057]).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Kloba with Kiiskinen because it would have facilitated synchronizing data stores on different devices, including telecommunications and computing devices.

As to claim 4:

Kloba teaches the middleware filter reads the metadata of the content received from the content server and sends the content to the first network device if the data type of the read metadata matches an authorized data type associated with the first network device [Table 3; col. 6, lines 1 – 38; col. 15, lines 15 – 34].

As to claim 5:

Kloba teaches the middleware filter stores the authorized data type of the first network device [col. 4, line 66 – col. 5 line 6; col. 8, lines 31 – 37].

As to claim 6:

Kloba teaches the metadata includes an authorized network device type [Table 3; col. 5, line 64 – col. 6, line 38].

As to claim 7:

Kloba teaches the middleware filter reads the metadata of the content received from the content server and sends the content to the first network device if the authorized network device type of the read metadata matches a network device type associated with the first network device [Table 3; col. 5, line 64 – col. 6, line 38].`

As to claim 8:

Kloba teaches the middleware filter stores the network device type of the first network device [col. 4 line 66 – col. 5 line 6; col. 8 lines 31 – 37].

As to claim 9:

Kloba teaches the metadata is added to the content by the content server [Fig. 1; col. 28 lines 20 – 22].

As to claim 10:

Kloba teaches the metadata includes data synchronization information corresponding to the data synchronization [col. 22 lines 12 – 37].

As to claim 11:

Kloba teaches a display coupled to the middleware filter to display the data synchronization information [col. 8 lines 55 – 60; col. 12 lines 59 – 60].

As to claim 12:

Kloba teaches the data synchronization is a one-way data synchronization [col. 14, lines 46 – 53].

As to claim 13:

Kloba teaches the data synchronization is a bi-directional data synchronization [col. 5, lines 35 – 40].

As to claim 14:

Kloba teaches the middleware filter is within a second network device and the second network device comprises a personal computer [col. 8, lines 15 – 28].

As to claim 15:

Kloba teaches the first network device comprises a PDA [col. 10, lines 32 – 42].

As to claim 16:

Kloba teaches the content server comprises a web server [col. 4, lines 54 – 58 and col. 27, lines 12 – 24].

As to claim 17:

Kloba teaches the middleware filter is within a second network device and the second network device comprises a server [col. 5, lines 41 – 67; col. 6, lines 25 – 38; and col. 14, lines 29 – 53].

As to claim 18:

Kloba teaches a second network device coupled in between the content server and the first network device, wherein the second network device includes the middleware filter [col. 5, lines 41 – 52 and col. 7, line 66 – col. 8, line 7].

As to claim 19:

Kloba at least implies the content server can include the middleware filter because Figure 36 shows the clients connected to the server without showing an external content provider. Furthermore, Kloba teaches the providers can include a server that provides content and is similar to the server 104 shown in Figure 1 [col. 12, lines 35 – 44]. Therefore, it is at least implied that the server in Figure 36 can also provide the content, making it obvious to have the content server include the middleware filter.

As to claim 20:

See the rejections of claims 1, 14, 15, and 18.

As to claims 23 – 33:

See the rejections of claims 4 – 13 and 16.

As to claim 34:

See the rejections of claims 1 and 18.

As to claims 37 – 50:

See the rejections of claims 4 – 17.

As to claim 51:

See the rejection of claim 1. Also, see Kloba col. 5, lines 41 – 67 and col. 20, lines 15 – 18.

As to claims 54 – 65:

See the rejections of claims 4 – 13, 15, and 16.

As to claims 66, 69– 78, 80, and 81:

See the rejections of claims 1, 4 – 13, 15, and 16.

As to claim 79:

See the rejections of claims 14 and 18.

As to claim 82:

See the rejections of claims 17 and 18.

As to claim 83:

See the discussion of claim 1 for rejection.

As to claim 84:

The rejection of claim 1 above is incorporated herein in full. Additionally, Kloba teaches the meta data containing device specification [Table 3; col. 5, line 64 – col. 6, line 38].

As to claim 85:

The rejection of claim 1 above is incorporated herein in full. Additionally, Kloba teaches the meta data comprising an attribute-value pair [Table 3; col. 5, line 64 – col. 6, line 38].

As to claims 86 and 87:

See the discussions of claims 1 and 13 for rejections.

Response to Arguments

4. Applicant's arguments filed 06/02/2010 have been fully considered but they are not persuasive.

Applicant has amended claim 46 to overcome the objection. The prior objection is withdrawn.

Regarding independent claims 1, 20, 34, 51, 66, and 83-87:

Applicant argued in substance that "Kloba, Kiiskinen and their combination do not teach a middleware filter that filters the content in response to meta data within the content.

Further, Kloba, Kiiskinen and their combination do not teach a content is filtered by a middleware filter based on a compatibility of a first network device and the content. Moreover, Kloba, Kiiskinen and their combination do not teach that a content server first filters a content to determine the data that needs to be synchronized (i.e. what has changed), then a middleware filter filters the synchronization content a second time based on meta data".

The examiner's response is as follows:

Firstly, Applicant is reminded that claimed subject matter, not the specification is the measure of the invention. Limitations in the specification cannot be read into the claims for the purpose of avoiding the prior art. See In re Self, 213 USPQ 1,5 (CCPA 1982); In re Priest, 199 USPQ 11, 15 (CCPA 1978). The aforementioned claim elements are clearly subject to a broad interpretation, as detailed in the rejections maintained above. The Examiner has a *duty* and *responsibility* to the public and to Applicant to interpret the claims *as broadly as reasonably possible* during prosecution (see *In re Prater, 56 CCPA 1381, 415F.2d 1393, 162 USPQ 541 (1969)*).

Secondly, in the Office Action, the examiner mapped each claimed limitation to specific element(s) and/or relevant passages in the Kloba and Kiiskinen references to show how the references meet the claim limitations. Applicant in response did not provide any underlying analysis as to why the portions of the prior art relied on did not support the examiner's position. This response by Applicant is insufficient to satisfy the requirement

of specific argument to have the claims considered for patentability; in accordance with 37 C.F.R. § 1.111 Applicant must distinctly and specifically point out "how the language of the claims patentably distinguishes them from the references". Accordingly, a prima facie case of obviousness is maintained as set forth in the rejections above.

Regarding dependent claims 4-19, 23-33, 37-50, 54-65, and 69-82:

Applicant did not provide arguments in substance regarding claims 4-19, 23-33, 37-50, 54-65, and 69-82 except for citing the dependencies.

Conclusion

5. The prior art made of record, listed on PTO 892 provided to Applicant is considered to have relevancy to the claimed invention. Applicant should review each identified reference carefully before responding to this office action to properly advance the case in light of the prior art.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

6. Any inquiry or a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: (571) 272-2100.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN H. NGUYEN whose telephone number is (571) 272-3765. The examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HYUNG S. SOUGH can be reached at (571) 272-6799.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VAN H NGUYEN/
Primary Examiner, Art Unit 2194